

From: Zimmerman, Martin [mzimmerman@ceo.lacounty.gov]
Sent: Monday, November 21, 2011 3:48 PM
To: Bretschneider, Jennie
Cc: Valencia, Sulema; Cheng, Frank; Hazlett, James
Subject: FW: Notice of Modifications to Text of Proposed Regulations- Trustworthy Electronic Document or Record Preservation

Dear Ms. Bretschneider,

On behalf of the County of Los Angeles (County), we submit the following comments on the proposed modified regulations adding Sections 22620.1 through 22620.8 to the California Code of Regulations that would adopt standards for storage and handling of official documents in electronic format.

1. Inconsistent Provisions

The proposed Section 22620.4, second paragraph, states that *“all existing electronic document management systems in place prior to six months after the adoption of these proposed regulations should be evaluated to the greatest extent technologically and procedurally possible, and as soon as practicable secure all necessary local and/or state approvals to meet the intent of Government Code section 12168.7”*. However, proposed Section 22620.2, paragraph (a), states that *“the provisions of this chapter shall apply to all electronic documents or records created or stored as the official record six months after the effective date of these regulations”*, which mandates the *“as soon as practicable”* timeframe to a six months period. The County recommends that the proposed Section 22620.2 be modified to include the ability to continue using legacy systems until it is practicable to upgrade the underlying systems.

2. Creation of Electronic Copy Prior to Original Destruction

The proposed Section 22620.7, first paragraph, states that *“before the original copy may be destroyed, at least two (2) separate copies of the official document or record must be created on electronic media”*. It is unclear to us whether this means two separate *“instances”* of an electronic file will have to be created and stored in different locations (within the same electronic system or on two separate media), or the proposed language simply means that the electronic file has to be duplicated at least once (for example, be backed up onto another permanent storage system). The County recommends that the proposed Section 22620.7 be modified to clarify the intent.

3. Acceptable Image Format

The proposed Section 22620.8, first paragraph, made reference to Section 5.4.1.4 of the AIIM ARP1-2009 document, which states that “*organization should ensure that all information being scanned, or electronically received is stored in industry accepted format such as JPEG, JBIG, JPEG 2000 or PDF-A*”. Our assumption of the proposed language is that it is acceptable to use other image formats as long as they are widely used and not proprietary (used by only one vendor or a selected few). It does not mean that only the four mentioned formats (JPEG, JBIG, JPEG 2000 or PDF-A) are acceptable under the proposed language. The County recommends that the proposed Section 22620.8 be modified to clarify the intent.

Respectfully submitted,

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From: Valencia, Sulema [<mailto:Sulema.Valencia@sos.ca.gov>]

Sent: Monday, November 07, 2011 12:26 PM

To: Valencia, Sulema

Subject: Notice of Modifications to Text of Proposed Regulations- Trustworthy Electronic Document or Record Preservation

Dear Interested Party,

The Secretary of State has modified the proposed regulations and opened a 15-day comment period. Any interested person, or their authorized representative, may submit written comments pertaining to the changes in the text of the proposed regulation. The Secretary of State will accept written comments from November 7, 2011 to November 22, 2011. The written comment period closes at 5:00 p.m. on November 22, 2011.

Attached, as requested on your behalf, is the Notice of Modifications to Text of Proposed Regulations and the Modified Text of Proposed Regulations.

The modified proposed regulations are available from our website by visiting us at <http://www.sos.ca.gov/admin/regulations/proposed/tech/electronic-docs/>.

Please contact Jennie Bretschneider if you have any questions.

Contact for the Modified Text of Proposed Regulations

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Thank you,

Sulema Valencia
Project Management Assistant
Administration Office
Secretary of State Debra Bowen
(916) 651-9532